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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/827,438

04/20/2004

Jun Koyama

0756-7297

2734

31780

7590

10/02/2006

ERIC ROBINSON

PMB 955

21010 SOUTHBANK ST.

POTOMAC FALLS, VA 20165

EXAMINER

KUMAR, SRILAKSHMI K

ART UNIT

PAPER NUMBER

2629

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/827,438

Applicant(s)

KOYAMA ET AL.

Examiner

Srilakshmi K. Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2006 and 13 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

The following office action is in response to the amendments filed June 23, 2006 and July 13, 2006. Claims 1-46 are pending. Claims 1-32, 39-41 have been amended.

***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-46 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-42 of U.S. Patent No. 6,549,184. Although the conflicting claims are not identical, they are not patentably distinct from each other as will be disclosed in the table below.

	Application 10/827,438	US Patent No. 6,549,184
Claim 1	A portable telephone comprising: a main body, an audio input portion, an audio	A semiconductor display device comprising:

	<p>output portion and a display device, said display device further comprising;</p> <p><i>a source signal line side driving circuit; and</i></p> <p><i>a gate signal line side driving circuit,</i></p> <p><i>wherein said gate signal line side driving circuit includes a buffer circuit connected with an output line from a shift register circuit, said buffer circuit having a plurality of inverters,</i></p> <p><i>wherein each of said inverters comprises a plurality of n-channel thin film transistors and a plurality of p-channel</i></p>	<p><i>a source signal line side driving circuit; and</i></p> <p><i>a gate signal line side driving circuit,</i></p> <p><i>wherein said gate signal line side driving circuit includes a buffer circuit connected with an output line from a shift register circuit, said buffer circuit having a plurality of inverters,</i></p> <p><i>wherein each of said inverters comprises a plurality of n-channel thin film transistors and a plurality of p-channel</i></p>
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	<i>thin film transistors, and</i>  <i>wherein each of said plurality of n-channel thin film transistors is connected in parallel with each other and each of said plurality of p-channel thin film transistors is connected in parallel with each other.</i>	<i>thin film transistors, and</i>  <i>wherein each of said plurality of n-channel thin film transistors is connected parallel with each other and each of said plurality of p-channel thin film transistors is connected parallel with each other.</i>
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Note the comparison above, claim 1 of the instant application 10/827,438 is not patentably distinct from claim 1 of US 6,549,184 because the claims are virtually the same with the exception of the beginning of the claim. The instant application's limitation of "A portable telephone comprising: a main body, an audio input portion, an audio output portion and a display device, said display device further comprising" is different from the beginning of claim of US 6,549,184 which discloses "A semiconductor display device". As shown from the table above, the invention is directed to a display device and what the display device comprises, not a portable telephone, a camera, a mobile computer, or a portable information terminal. Applicant is suggesting intended uses of the display device within a portable telephone, a camera, a mobile computer, and a portable information terminal. In regards to claim 1 of the instant application, it is inherent to one of ordinary skill in the art that a portable telephone comprises a main body, an

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audio input portion (the portion for a user to speak into), and an audio output portion (the portion for a user to listen). Thus, these limitations do not constitute the claim to be patentably distinct from claim 1 of US Patent 6,549,184. With respect to claims 2-38 are rejected under similar reasons as discussed above and are not patentably distinct from claims 1-42 of US 6,549,184. Dependent claims 39-46 are similarly rejected as not being patentably distinct from claims 1-42 of US 6,549,184 as they have similar subject matter as well.

### ***Response to Arguments***

3. Applicant's arguments filed June 23, 2006 and July 13, 2006 have been fully considered but they are not persuasive.

Applicant argues in the responses where the claim limitations of the instant application are patentably distinct from the US Patent 6,549,184 Koyama et al. With respect to claims 1, 5, 9, 13, 17, 21, 25 and 29, Applicant argues where Koyama et al fail to disclose a portable telephone including a main body, an audio input portion, an audio output portion and a display device. With respect to claims 2, 6, 10, 14, 18, 22, 26 and 30, Applicant argues where Koyama et al fail to disclose a camera including a main body, an image receiving portion and a display device. With respect to claims 3, 7, 11, 15, 19, 23, 27 and 31, Applicant argues where Koyama et al fail to disclose a mobile computer including a main body, an operation switch and a display device. With respect to claims 4, 8, 12, 16, 20, 24, 28 and 32, Applicant argues where Koyama et al fail to disclose a portable information terminal including a main body and a display device.

Examiner, respectfully, disagrees with the arguments above. The applicant's invention is directed to a display device and what the display device comprises, not a portable telephone, a camera, a mobile computer or a portable information terminal. Applicant is suggesting intended

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uses of the display device within a portable telephone, a camera, a mobile computer, and a portable information terminal. In regards to claim 1 of the instant application, it is inherent to one of ordinary skill in the art that a portable telephone comprises a main body, an audio input portion (the portion for a user to speak into), and an audio output portion (the portion for a user to listen). Thus, these limitations do not constitute the claim to be patentably distinct from claim 1 of US Patent 6,549,184.

In the supplemental response, Applicant argues where “the claims of the present application are not a timewise extension of the invention as claimed in the Koyama ‘184 patent”. Examiner, respectfully, disagrees. As discussed above, the claims differ only in intended use and are not patentably distinct.

As discussed above, the obvious double patenting rejection is maintained and made FINAL.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Srilakshmi K. Kumar whose telephone number is 571 272 7769.

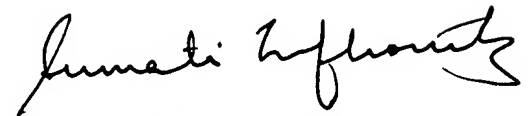
The examiner can normally be reached on 9:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571 272 3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Srilakshmi K. Kumar  
Examiner  
Art Unit 2629

SKK  
September 19, 2006



SUMATI LEFKOWITZ  
SUPERVISORY PATENT EX/